

ORIGINAL



0000179735

**RYLEY CARLOCK & APPLEWHITE**

One North Central Avenue, Suite 1200  
Phoenix, AZ 85004-4417  
Telephone: 602-440-4800  
Fax: 602-257-9582

AZ CORP COMMISSION  
DOCKET CONTROL

2017 MAY 17 P 4:21

Sheryl A. Sweeney (No. 009863)

[ssweeney@rcalaw.com](mailto:ssweeney@rcalaw.com)

Albert H. Acken (No. 021645)

[aacken@rcalaw.com](mailto:aacken@rcalaw.com)

Samuel L. Lofland (No. 026653)

[slofland@rcalaw.com](mailto:slofland@rcalaw.com)

*Attorneys for Electrical District Number Six, Pinal  
County, Arizona; Electrical District Number Seven  
of the County of Maricopa, State of Arizona;  
Aguila Irrigation District; Tonopah Irrigation District;  
Harquahala Valley Power District; and Maricopa  
County Municipal Water Conservation District Number One*

Arizona Corporation Commission

**DOCKETED**

MAY 17 2017

DOCKETED BY

*GSB*

**BEFORE THE ARIZONA CORPORATION COMMISSION**

**COMMISSIONERS**

TOM FORESE, Chairman

BOB BURNS

BOYD DUNN

DOUG LITTLE

ANDY TOBIN

IN THE MATTER OF THE  
APPLICATION OF ARIZONA PUBLIC  
SERVICE COMPANY FOR A HEARING  
TO DETERMINE THE FAIR VALUE OF  
THE UTILITY PROPERTY OF THE  
COMPANY FOR RATEMAKING  
PURPOSES, TO FIX A JUST AND  
REASONABLE RATE OF RETURN  
THEREON, TO APPROVE RATE  
SCHEDULES DESIGNED TO DEVELOP  
SUCH RETURN

DOCKET NO. E-01345A-16-0036

IN THE MATTER OF FUEL AND  
PURCHASED POWER PROCUREMENT  
AUDITS FOR ARIZONA PUBLIC  
SERVICE COMPANY.

DOCKET NO. E-1345A-16-0123

**CLOSING BRIEF IN OPPOSITION  
TO NON-UNANIMOUS  
SETTLEMENT AGREEMENT**

Electrical District Number Six, Pinal County, Arizona ("ED6"); Electrical  
District Number Seven of the County of Maricopa, State of Arizona ("ED7"); Aguila  
Irrigation District ("AID"); Tonopah Irrigation District ("TID"); Harquahala Valley

1 Power District ("HVPD"); and Maricopa County Municipal Water Conservation District  
2 Number One ("MWD") (hereinafter collectively referred to as the "Districts")  
3 respectfully request the Commission deny the proposed non-unanimous settlement  
4 agreement.

5 It was APS's burden to show that the non-unanimous settlement was in the  
6 public interest under A.R.S. § 40-250. What does the evidence show?

- 7 • The settlement is a great deal for APS, its shareholders, and EFCA.<sup>1</sup>
- 8 • Farmers will be squeezed by ever-increasing rates and the pending closure  
9 of the Navajo Generating Station.<sup>2</sup>

10 Although it is understandable that few, if any, parties want to endure a full  
11 evidentiary hearing on the merits, a settlement must do more than make life easier for  
12 the lawyers involved to meet the public interest standard. As explained herein, the  
13 proposed non-unanimous settlement is the flawed result of a flawed process. Under its  
14 terms, ratepayers will pay hundreds of millions of dollars to provide a windfall to APS  
15 and to resolve APS's battles with EFCA. Meanwhile, the Districts' farmers are losing  
16 options for affordable power.

17 **I. The Settlement Process Benefitted APS And EFCA At The Expense Of**  
18 **Ratepayers.**

19 There is no question that the Proposed Settlement Agreement (Ex. APS-29) is a  
20 great deal for APS, its executives, and its shareholders. APS maintains its current  
21 unbalanced debt to equity ratio, receives a 10.0% rate of return on equity, and a fair  
22 value increment of 0.8%. *See* Ex. APS-29, Section V. In addition, the settlement  
23 resolves APS's disputes with EFCA while authorizing time-of-use rates that will be  
24

---

25 <sup>1</sup> *See, e.g.,* Proposed Settlement Agreement, APS-29; Direct Testimony of David  
26 Tenney in Support of Settlement Agreement, RUCO-6, 9:6-13; Testimony in Support  
27 of the Settlement Agreement of Elijah O. Abinah, S-13, 19:24-20:2, 20:17-26; Direct  
28 Testimony of Gary Yaquinto, AIC-5, 3:15-22.

<sup>2</sup> Testimony of Jim Downing, Tr. at 564:17-565:4; 581:3-13.

1 punishing for working families. SWEEP-3, 2:41-43. Staff APS receives these benefits  
2 without having to show why any increase is needed.

3 Under the terms of the Proposed Settlement Agreement, APS' ratepayers would  
4 pay for the benefits that accrue to APS and EFCA. The Districts respectfully submit that  
5 the battles between APS and EFCA should not be settled at the ratepayers' expense.

6 **II. Non-Unanimous Settlements Must Be Subjected To Thorough Scrutiny.**

7 Advocates for the non-unanimous settlement argued that settlements provide a  
8 greater public good than a litigated process. *See, e.g.,* Direct Testimony of Gary  
9 Yaquinto, AIC-5, 3:1-11. Why is that so? A non-unanimous settlement, reached behind  
10 closed doors among parties with a wide-disparity of bargaining power, is not inherently  
11 superior to an open, public process that requires the applicant to actually prove that it  
12 needs more money from its captive ratepayers. *See, e.g.,* Stefan H. Kreiger, *Problems*  
13 *for Captive Ratepayers in Nonunanimous Settlements of Public Utility Rate Cases*,  
14 *YALE J. ON REG.*, Vol. 12:257, 303, 306, 316, 320 (1995). Of particular relevance to  
15 process used in this case:

16 Participation of the commission staff in the nonunanimous agreement may  
17 accentuate the power imbalance. The staff, as an arm of the commission,  
18 wields significant power. Indeed, if the staff allies itself with the utility, a  
bandwagon effect may be created, swaying other parties to join the  
agreement, albeit reluctantly.

19 *Id.* at 307-308. Here, the parties with the least bargaining power were shut out of the  
20 settlement process and the settlement itself. *See, e.g.,* Tr. at 980:24-983:13.

21 Despite efforts to avoid the obvious, the record shows that APS held far more  
22 bargaining power than many other participants. *See, e.g.,* Tr. at 964:4-7. In light of this  
23 disparity, what measures were used to protect the interests of all participants in the  
24 settlement process? A neutral third party facilitator could have served this role, but none  
25 was used. Tr. at 1276:11-17. Ultimately, the only evidence in support of the settlement  
26 process provided by APS and the settlement's supporters was that all parties had the  
27 opportunity to speak at the formal, large group settlement meetings. *See, e.g.,* 185:4-7.  
28

1 Is this the best that we can do? Give intervenors a public comment slip, allow them to  
2 voice objection to the process, and then move forward with a predetermined outcome  
3 anyway?

4 The Districts sought to introduce evidence showing the settlement process was  
5 flawed. Parties with the most to gain through settlement financially (APS and EFCA)  
6 and reputationally (RUCO and Staff) all raised meritless Rule 408 objections to the  
7 introduction of this evidence. *See, e.g.*, 964:11-968:1; 1285:20-23. Rule 408 prohibits  
8 the use of settlement discussions “to prove or disprove the validity or amount of a  
9 disputed claim or to impeach by a prior inconsistent statement or a contradiction.” ARIZ.  
10 R. EVID. 408. The purpose of Rule 408 is to protect a party who makes a good faith  
11 offer in settlement, so that offer cannot be used against it in the event settlement  
12 discussions fail. *Catullo v. Metzner*, 834 F.2d 1075, 1079 (1<sup>st</sup> Circ. 1987). Let the record  
13 be clear. The Districts were not attempting to use RUCO’s, Staff’s, and EFCA’s  
14 statements in the settlement discussions to undercut their original positions that no rate  
15 increase was warranted.

16 Rule 408 “does not, however, prohibit evidence of a compromise offered for  
17 another reason.” *Murray v. Murray*, 239 Ariz. 174, 178 (Ct. App. 2016). Evidence  
18 regarding the settlement process must be allowed in an evidentiary hearing that is being  
19 held solely for the purpose of evaluating whether the settlement is in the public interest.  
20 *See In re MSTG, Inc.*, 675 F.3d 1337, 1345 (D.C. Cir. 2012) (“settlement negotiation  
21 evidence would be admissible where the settlement itself or its interpretation is at  
22 issue...”).

23 Moreover, this misapplication of Rule 408 makes a mockery of the process. The  
24 point of the evidentiary hearing was to determine whether APS could show the  
25 settlement is in the public interest. Here, parties advocating for the settlement  
26 introduced evidence regarding the settlement process, but objected to evidence that  
27 would have shown the settlement process was not as fair and open as they claimed it to  
28

1 be. Rule 408 does not create a "settlement privilege" that allows settlement proponents  
2 to introduce evidence that supports their position but to exclude contradictory evidence.  
3 Ultimately, it was prejudicial error to exclude evidence of the settlement process's many  
4 flaws. *See Catullo*, 834 F.2d at 1079. After all, how can the Commission determine if a  
5 non-unanimous settlement is in the public interest if the settlement process itself is  
6 shielded from any meaningful scrutiny?

7 This non-unanimous settlement process, which left out parties with less  
8 bargaining power, resulted in an unequal settlement that is not in the public interest.  
9 Rather than pretend this was a settlement negotiation among equals, the settlement  
10 process should have included steps to address APS's outsized power and recognize the  
11 inherent structural inequality among the parties. Instead, there was a refusal to admit  
12 what everyone knows and no concrete measures were put in place to protect the  
13 interests of those with little bargaining power. Tr. at 1276:11-17. As a result, the  
14 settlement process failed to provide for a meaningful opportunity for all, and APS  
15 cannot meet its burden that the non-unanimous settlement agreement is in the public's  
16 interest.

### 17 **III. Farmers Cannot Afford APS's Rising Rates But Will Soon Lose An** 18 **Alternative Source Of Economical Power.**

19 The Districts predominately serve agricultural-related loads, and the Districts'  
20 customers need cost-effective electric rates to pump their wells. The Districts are  
21 wholesale customers under contracts that index their contractual rate to the E-34 retail  
22 rate - increasing as rapidly as E-34 increases. The evidence showed that APS' ever-  
23 rising rates are unaffordable for farmers. Tr. 581:7-13. Today, the Districts have options  
24 because they can procure cost-effective power from Navajo Generating Station. *Id.* But  
25 what can they do when Navajo power is no longer available? If the proposed settlement  
26 is approved, APS power will not be an economic alternative.

1 **CONCLUSION**

2 Settlement proponents argue that a closed-door, non-unanimous settlement is in  
3 the public interest. The Districts respectfully disagree. In this case, the public's interest  
4 would be best served by a fair, open, and impartial hearing before a neutral arbiter. The  
5 Districts respectfully request that the Commission deny the proposed, non-unanimous  
6 settlement so that an open, fair evidentiary hearing can be held to fully vet APS's  
7 application.

8 RESPECTFULLY SUBMITTED this 17<sup>th</sup> day of May, 2017.

9 **RYLEY CARLOCK & APPLEWHITE**

10 By: \_\_\_\_\_

11 *Sheryl A. Sweeney*  
12 Albert H. Acken  
13 Samuel L. Lofland  
14 One N. Central Avenue, Suite 1200  
15 Phoenix, AZ 85004-4417

16 *Attorneys for Electrical District Number Six,*  
17 *Pinal County, Arizona; Electrical District*  
18 *Number Seven of the County of Maricopa, State*  
19 *of Arizona; Aguila Irrigation District; Tonopah*  
20 *Irrigation District; Harquahala Valley Power*  
21 *District; and Maricopa County Municipal*  
22 *Water Conservation District Number One*  
23 E-mail: [ssweeney@rcalaw.com](mailto:ssweeney@rcalaw.com);  
24 [aacken@rcalaw.com](mailto:aacken@rcalaw.com); [slofland@rcalaw.com](mailto:slofland@rcalaw.com)

19 **ORIGINAL and 13 COPIES** of  
20 the foregoing filed this 17<sup>th</sup> day  
of May, 2017, with:

21 Docket Control  
22 Arizona Corporation Commission  
23 1200 West Washington  
Phoenix, Arizona 85007

24 **COPY** of the foregoing sent via  
25 Email this 17<sup>th</sup> day of May, 2017,  
to:

26 Andy Kvesic  
27 ARIZONA CORPORATION COMMISSION  
28 Director-Legal Division  
Phoenix, Arizona 85007  
[LegalDiv@azcc.gov](mailto:LegalDiv@azcc.gov)



1 [utildivservicebyemail@azcc.gov](mailto:utildivservicebyemail@azcc.gov)  
2 [MScott@azcc.gov](mailto:MScott@azcc.gov)  
3 [CHains@azcc.gov](mailto:CHains@azcc.gov)  
4 [WVanCleve@azcc.gov](mailto:WVanCleve@azcc.gov)  
5 [TFord@azcc.gov](mailto:TFord@azcc.gov)  
6 [EVanEpps@azcc.gov](mailto:EVanEpps@azcc.gov)  
7 [CFitzsimmons@azcc.gov](mailto:CFitzsimmons@azcc.gov)  
8 [KChristine@azcc.gov](mailto:KChristine@azcc.gov)  
9 [EAbinah@azcc.gov](mailto:EAbinah@azcc.gov)  
10 Thomas Jernigan  
11 FEDERAL EXECUTIVE AGENCIES  
12 U.S. Airforce Utility Law Field Support Center  
13 Tyndall Air Force base Florida 32403  
14 [thomas.jernigan.3@us.af.mil](mailto:thomas.jernigan.3@us.af.mil)  
15 [ebony.payton.crt@us.af.mil](mailto:ebony.payton.crt@us.af.mil)  
16 [andrew.unisicker@us.af.mil](mailto:andrew.unisicker@us.af.mil)  
17 [lanny.zieman.1@us.af.mil](mailto:lanny.zieman.1@us.af.mil)  
18 [natalie.cepak.2@us.af.mil](mailto:natalie.cepak.2@us.af.mil)  
19 Richard Gayer  
20 526 W. Wilshire Dr.  
21 Phoenix Arizona 85003  
22 [rgayer@cox.net](mailto:rgayer@cox.net)  
23 Thomas A Loquvam  
24 PINNACLE WEST CAPITOL CORPORATION  
25 400 N. 5Th St, MS 8695  
26 Phoenix, Arizona 85004  
27 [Thomas.Loquvam@pinnaclewest.com](mailto:Thomas.Loquvam@pinnaclewest.com)  
28 [Thomas.Mumaw@pinnaclewest.com](mailto:Thomas.Mumaw@pinnaclewest.com)  
[Melissa.Krueger@pinnaclewest.com](mailto:Melissa.Krueger@pinnaclewest.com)  
[Amanda.Ho@pinnaclewest.com](mailto:Amanda.Ho@pinnaclewest.com)  
[Debra.Orr@aps.com](mailto:Debra.Orr@aps.com)  
[prefo@swlaw.com](mailto:prefo@swlaw.com)  
Timothy M. Hogan  
ARIZONA CENTER FOR LAW IN THE PUBLIC INTEREST  
514 W. Roosevelt Street  
Phoenix, AZ 85003  
[thogan@aclpi.org](mailto:thogan@aclpi.org)  
[ken.wilson@westernresources.org](mailto:ken.wilson@westernresources.org)  
[schlegelj@aol.com](mailto:schlegelj@aol.com)  
[ezuckerman@swenergy.org](mailto:ezuckerman@swenergy.org)  
[bbaatz@aceee.org](mailto:bbaatz@aceee.org)  
[briana@votesolar.org](mailto:briana@votesolar.org)  
[cosuala@earthjustice.org](mailto:cosuala@earthjustice.org)  
[dbender@earthjustice.org](mailto:dbender@earthjustice.org)  
[cfitzgerrell@earthjustice.org](mailto:cfitzgerrell@earthjustice.org)

1 Timothy Sabo  
2 SNELL & WILMER, LLP  
3 One Arizona Center  
4 Phoenix Arizona 85004  
5 [tsabo@swlaw.com](mailto:tsabo@swlaw.com)  
6 [jhoward@swlaw.com](mailto:jhoward@swlaw.com)  
7 [docket@swlaw.com](mailto:docket@swlaw.com)  
8 [pwalker@conservamerica.org](mailto:pwalker@conservamerica.org)  
9  
10 Cynthia Zwick  
11 ARIZONA COMMUNITY ACTION ASSOCIATION  
12 2700 N. Third St. - 3040  
13 Phoenix Arizona 85004  
14 [czwick@azcaa.org](mailto:czwick@azcaa.org)  
15 [khengehold@azcaa.org](mailto:khengehold@azcaa.org)  
16  
17 Jay I. Moyes  
18 MOYES SELLERS & HENDRICKS, LTD  
19 1850 N. Central Ave. - 1100  
20 Phoenix Arizona 85004  
21 [JasonMoyes@law-msh.com](mailto:JasonMoyes@law-msh.com)  
22 [jimoyes@law-msh.com](mailto:jimoyes@law-msh.com)  
23 [jim@harcuvar.com](mailto:jim@harcuvar.com)  
24  
25 Michael Patten  
26 SNELL & WILMER, LLP  
27 One Arizona Center  
28 400 East Van Buren Street  
Phoenix Arizona 85004  
[mpatten@swlaw.com](mailto:mpatten@swlaw.com)  
[jhoward@swlaw.com](mailto:jhoward@swlaw.com)  
[docket@swlaw.com](mailto:docket@swlaw.com)  
[BCarroll@tep.com](mailto:BCarroll@tep.com)  
  
Dwight Nodes  
ARIZONA CORPORATION COMMISSION  
1200 W. Washington  
Phoenix Arizona 85007-2927  
[HearingDivision@azcc.gov](mailto:HearingDivision@azcc.gov)  
  
Giancarlo Estrada  
KAMPER ESTRADA, LLP  
3030 N. 3rd Street, Suite 770  
Phoenix Arizona 85012  
[gestrada@law.phx.com](mailto:gestrada@law.phx.com)  
[kfox@kfwlaw.com](mailto:kfox@kfwlaw.com)  
[kcrandall@eq-research.com](mailto:kcrandall@eq-research.com)  
  
Meghan H. Grabel  
OSBORN MALADON, PA  
2929 N. Central Avenue Suite 2100  
Phoenix Arizona 85012  
[mgrabel@omlaw.com](mailto:mgrabel@omlaw.com)  
[gyaquinto@arizonaic.org](mailto:gyaquinto@arizonaic.org)



1 Scott S. Wakefield  
HIENTON & CURRY, PLLC  
2 5045 N 12th Street, Suite 110  
Phoenix Arizona 85014-3302  
3 [swakefield@hclawgroup.com](mailto:swakefield@hclawgroup.com)  
[mlougee@hclawgroup.com](mailto:mlougee@hclawgroup.com)  
4 [Stephen.chriss@wal-mart.com](mailto:Stephen.chriss@wal-mart.com)  
[Greg.tillman@walmart.com](mailto:Greg.tillman@walmart.com)  
5 [chris.hendrix@wal-mart.com](mailto:chris.hendrix@wal-mart.com)

6 Garry Hays  
LAW OFFICES OF GARRY D. HAYS, PC  
7 2198 East Camelback Road, Suite 305  
Phoenix Arizona 85016  
8 [ghays@lawgdh.com](mailto:ghays@lawgdh.com)

9 Patrick J. Black  
FENNEMORE CRAIG, P.C.  
10 2394 E. Camelback Rd, Ste 600  
Phoenix Arizona 85016  
11 [pblack@fclaw.com](mailto:pblack@fclaw.com)  
[khiggins@energystrat.com](mailto:khiggins@energystrat.com)

12 Tom Harris  
13 ARIZONA SOLAR ENERGY INDUSTRIES ASSOCIATION  
2122 W. Lone Cactus Dr. Suite 2  
14 Phoenix Arizona 85027  
[Tom.Harris@AriSEIA.org](mailto:Tom.Harris@AriSEIA.org)

15 Craig A. Marks  
16 CRAIG A. MARKS, PLC  
10645 N. Tatum Blvd. Suite 200-676  
17 Phoenix Arizona 85028  
[Craig.Marks@azbar.org](mailto:Craig.Marks@azbar.org)  
18 [Pat.Quinn47474@gmail.com](mailto:Pat.Quinn47474@gmail.com)

19 Ann-Marie Anderson  
WRIGHT WELKER & PAUOLE, PLC  
20 10429 South 51st Street, Suite 285  
Phoenix Arizona 85044  
21 [aanderson@wwpfirm.com](mailto:aanderson@wwpfirm.com)  
[sjennings@aarp.org](mailto:sjennings@aarp.org)  
22 [aallen@wwpfirm.com](mailto:aallen@wwpfirm.com)  
[john@johncoffman.net](mailto:john@johncoffman.net)

23 Dennis Fitzgibbons  
24 FITZGIBBONS LAW OFFICES, PLC  
P.O. Box 11208  
25 Casa Grande Arizona 85230  
[denis@fitzgibbonslaw.com](mailto:denis@fitzgibbonslaw.com)

26 Court S. Rich  
27 ROSE LAW GROUP, PC  
7144 E. Stetson Drive, Suite 300  
28

1 Scottsdale Arizona 85251  
2 [crich@roselawgroup.com](mailto:crich@roselawgroup.com)  
3 [hslaughter@roselawgroup.com](mailto:hslaughter@roselawgroup.com)  
4 [cledford@mcdonaldcarano.com](mailto:cledford@mcdonaldcarano.com)  
5  
6 Thomas Stewart  
7 GRANITE CREEK POWER & GAS/GRANITE CREEK FARMS  
8 5316 East Voltaire Avenue  
9 Scottsdale Arizona 85254-3643  
10 [tom@gcfaz.com](mailto:tom@gcfaz.com)  
11  
12 Greg Eisert  
13 SUN CITY HOME OWNERS ASSOCIATION  
14 10401 W. Coggins Drive  
15 Sun City Arizona 85351  
16 [gregeisert@gmail.com](mailto:gregeisert@gmail.com)  
17 [steven.puck@cox.net](mailto:steven.puck@cox.net)  
18  
19 Albert E. Gervenack  
20 SUN CITY WEST PROPERTY OWNERS &  
21 RESIDENTS ASSOCIATION  
22 13815 Camino Del Sol  
23 Sun City Arizona 85372  
24 [al.gervenack@porascw.org](mailto:al.gervenack@porascw.org)  
25 [rob.robbins@porascw.org](mailto:rob.robbins@porascw.org)  
26 [Bob.miller@porascw.org](mailto:Bob.miller@porascw.org)  
27  
28 Patricia C. Ferre  
P.O. Box 433  
Payson, Arizona 85547  
[pFerreact@mac.com](mailto:pFerreact@mac.com)  
  
Lawrence Robertson, Jr.  
210 Continental Road, Suite 216A  
Green Valley, Arizona 85622  
[tubaclawyer@aol.com](mailto:tubaclawyer@aol.com)  
  
Charles Wesselhoft  
Pima County Attorney's Office  
32 North Stone Avenue, Suite 2100  
Tucson, Arizona 85701  
[Charles.Wesselhoft@pcao.pima.gov](mailto:Charles.Wesselhoft@pcao.pima.gov)  
  
Warren Woodward  
55 Ross Circle  
Sedona Arizona 86336  
[w6345789@yahoo.com](mailto:w6345789@yahoo.com)  
  
Robert Pickels, Jr.  
Sedona City Attorney's Office  
102 Roadrunner Drive  
Sedona Arizona 86336  
[rpickels@sedonaaz.gov](mailto:rpickels@sedonaaz.gov)

1 **COPY** sent via U.S. Mail this  
17<sup>th</sup> day of May, 2017, to:

2 Matthew Price  
3 JENNER & BLOCK  
1099 New York Avenue, NW, Suite 900  
4 Washington, DC 20001-4412

5 Kurt Boehm  
BOEHM, KURTZ & LOWRY  
6 36 E. Seventh St. Suite 1510  
Cincinnati Ohio 45202

7 Nicholas J. Enoch  
8 LUBIN & ENOCH, PC  
349 N. Fourth Ave.  
9 Phoenix Arizona 85003

10 Greg Patterson  
MUNGER CHADWICK  
11 916 W. Adams Suite 3  
Phoenix Arizona 85007

12 Daniel Pozefsky  
13 RUCO  
1110 West Washington, Suite 220  
14 Phoenix Arizona 85007

15 Anthony Wanger  
IO DATA CENTERS, LLC  
16 615 N. 48th St  
Phoenix Arizona 85008

17 John Moore, Jr.  
18 MOORE BENHAM & BEAVER, LC  
7321 N. 16<sup>th</sup> Street  
19 Phoenix Arizona 85020

20 Mary O'Grady  
OSBORN MALEDON, P.A.  
21 2929 North Central avenue, 21<sup>st</sup> Floor  
Phoenix, Arizona 85012

22  
23 By: J. Korman